

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

NORTHERN NATURAL GAS
COMPANY,

Plaintiff,

vs.

80 ACRES OF LAND IN THURSTON
COUNTY, NEBRASKA, et al.,

Defendants.

8:17-CV-328

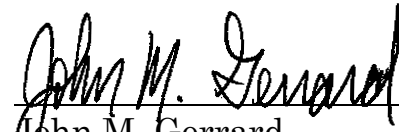
ORDER

This matter is before the Court on its own motion, upon review of the "Pro Se Defendant Response to Amended Complaint (Doc #26) and Submits Motion to Dismiss the Condemnation Proceeding in Its Entirety" ([filing 32](#)) filed by defendant Nolan J. Solomon. Although the document was electronically filed as a reply to the plaintiff's motion for leave to file an amended complaint ([filing 26](#)), it appears to the Court that the filing is meant to be an answer and motion to dismiss the amended complaint ([filing 30](#)). But because the only pleading permitted to raise an objection or defense to a complaint for condemnation is an answer, see [Fed. R. Civ. P. 71.1\(e\)\(2\)](#), the Court will construe [filing 32](#) to be an answer to the amended complaint. See *City of Davenport, Iowa v. Three-Fifths of an Acre of Land, More or Less, in City of Moline, Ill.*, 147 F. Supp. 794, 796 (S.D. Ill. 1957), *aff'd*, 252 F.2d 354 (7th Cir. 1958). Therefore,

IT IS ORDERED that the Clerk of the Court shall amend the docket entry for [filing 32](#) to represent that the document is an answer to the plaintiff's amended complaint ([filing 30](#)).

Dated this 2nd day of March, 2018.

BY THE COURT:



John M. Gerrard
United States District Judge